

**WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, **June 23, 2005**.

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman
Legislator John Kennedy • Vice•Chairman
Legislator Daniel Losquadro
Legislator Ricardo Montano
Legislator Elie Mystal

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Director, Budget Review Office
Charles Gardner • Director of Consumer Affairs
Sandy Sullivan • Clerk's Office
Ben Zwirn • County Executive's Office
Bill Faulk • Aide to Presiding Officer
Warren Greene • Aide to Legislator Alden
Ed Hogan • Aide to Legislator Nowick
Frank Tassone • Aide to Majority Leader O'Leary
Pat Zielenski • Real Estate Division
Jacqueline Caputi • County Attorney
Maria Ammirati • Aide to Chairman O'Leary
Cheryl Felice • President of AME
Jeff Tempera • Director of Labor Relations
All other interested parties

MINUTES TAKEN BY:

Lucia Braaten • Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:40 A.M. *)

CHAIRMAN O'LEARY:

Okay. I have a quorum in the room. If you'll all rise, please, I'll call the meeting to order with a Pledge of Allegiance led by Legislator Kennedy.

SALUTATION

CHAIRMAN O'LEARY:

I'm going to ask you to please remain standing for a moment of silence. The spouse of a former Presiding Officer Sondra Bachety, her spouse Steve Feig, I'm told, passed away rather suddenly yesterday.

MOMENT OF SILENCE

CHAIRMAN O'LEARY:

Thank you very much. I have some cards for the public portion. And Richard LaValle, Deputy Commissioner •• or Chief Deputy Commissioner of DPW, the first speaker. Would you come up, Rich. Good morning.

DEPUTY COMMISSIONER LAVALLE:

Good morning, Mr. Chairman. I'm here this morning to reiterate our previous request that the Legislature adopt Intro Resolution No. 2085 of '04. 2085 of '04 amends the Suffolk County

Charter, transferring the print shop from Civil Service to DPW. The adoption of this resolution, which was originally laid on the table in November of 2004, will formalize the transfer of the print shop and make it consistent with the 2005 Operating Budget. The 2005 five Operating Budget, which was approved and adopted by the Legislature, transferred the funding for the operation of the print shop from Civil Service to DPW. As such, as of January 1st, the print shop has been administered by DPW, all facets of this operation have been absorbed within the administrative structure of DPW. The fact that the print shop is physically located in our building, and for six years, 1994 to 1999, been part of DPW, is an operations•type unit which is consistent with much of DPW's operation, and can be administered more effectively and efficiently from our location, and as a result of these, has made this operation and transfer •• our transfer seamless.

We are therefore requesting once again your support for this resolution to formalize the transfer of the print shop, which we believe is in the best interest of the employees that are involved in this matter, as well as the best interest of the County. Thank you, Mr. Chairman.

CHAIRMAN O'LEARY:

I have a question of counsel. You indicated, Rich, that this was originally laid on the table in November of '04.

DEPUTY COMMISSIONER LAVALLE:

That's correct.

CHAIRMAN O'LEARY:

And it went before the full body and was recommitted to this ••

DEPUTY COMMISSIONER LAVALLE:

That's correct.

CHAIRMAN O'LEARY:

•• committee February 15th of '04. And my question to Counsel, at what point does the Six Month Rule take effect? Would it be 8/15?

MS. KNAPP:

The Six Month Rule does not •• does not affect legislation that is on the floor, it has to be out of committee. It appears to have gotten a second life when it was recommitted.

CHAIRMAN O'LEARY:

Okay. So the fact that it went before the full body, the Six Month Rule would not take effect then, but the fact that it was recommitted to committee, the Six Month Rule would kick in at that point?

MS. KNAPP:

When it's been in committee for six months.

CHAIRMAN O'LEARY:

Okay. That was my question. Do you want to respond to that, that you have another month to try to get this thing out of committee?

DEPUTY COMMISSIONER LAVALLE:

Well, I would think that you would take positive action as soon as possible, possibly even today, if •• we would hope.

CHAIRMAN O'LEARY:

If the committee is of that mind set, maybe we will, maybe we won't.

DEPUTY COMMISSIONER LAVALLE:

Well, it doesn't look like we have the votes here.

CHAIRMAN O'LEARY:

That's why I'm trying to stretch out this public portion.

DEPUTY COMMISSIONER LAVALLE:

I'd like to see a few cross•over votes in this matter, if we could. Thank you.

CHAIRMAN O'LEARY:

All right. Thank you. Next card is Chief Robert Moore, Chief of the Department, Suffolk County Police Department, who's here to speak about the department's advocacy and strong support of

substations and field offices, I'm sure.

CHIEF MOORE:

Oh, close. Good morning, Mr. Chair. I'm here to talk about IR 1349•05, which is directing the Director of Real Estate to locate property to reestablish a Police Department field office in Huntington Village and to advise you that the Commissioner is opposed to reestablishing a field office in Huntington Village.

Unfortunately •• we appreciate Mr. Binder's interest in the issue, but, unfortunately, Legislator Binder didn't discuss or consult the Commissioner on this issue, so he may not be aware •• and some of the members of the board may not be aware that there was a field office located in the Village of Huntington some time ago. And that field office was established in anticipation of the Second Precinct being refurbished.

Unfortunately, when the Second Precinct was being refurbished, the Second Precinct was moved out of the Huntington area, and as many of you know, into Babylon. So there was no Second Precinct in Huntington while the construction was being done. And for that reason, the Police Department had anticipated that was going to happen, and sometime before that occurred, this field office was created in the Village of Huntington. The Second Precinct was refurbished, police returned to the Second Precinct, and the field office was no longer used, that field office in Huntington Village. And as a result of that lack of use by the Police Department, the field office was surrendered.

Now, the prior administration, the Gallagher Administration, never made any commitment to staff a field office or satellite station. This administration agrees with that administration. And as a matter of fact, this Commissioner, Richard Dormer, is a strong advocate of taking police officers out from behind desks and putting them in the street, particularly during the summer. And the establishment of numerous field offices really runs contrary to that philosophy. It suggests to the public that we're going to take police officers off the streets and put them behind desks, and I don't think your communities want that, and we certainly don't.

And for that reason, we think that at this time, reestablishing a field office in Huntington Village, with our recent experiences, that it's just going to be at best underutilized and most probably not utilized at all. It's an inappropriate cost to the community.

CHAIRMAN O'LEARY:

That's it?

CHIEF MOORE:

Yes. Yes, sir.

CHAIRMAN O'LEARY:

Any questions?

LEG. MYSTAL:

Yes.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

Thank you. Good morning.

CHIEF MOORE:

Good morning, sir.

LEG. MYSTAL:

First of all, I think there's a misnomer. There's no such thing as a Huntington Village.

CHIEF MOORE:

Okay.

LEG. MYSTAL:

We keep referring to that area as a village. There's no such entity, there's no such municipality. And I want to know if we staff this Huntington, so-called Huntington Village field office, we have one in Amityville, North Amityville, I probably want one in Wyandanch, I probably want one in Copiague.

CHIEF MOORE:

Yes.

LEG. MYSTAL:

I probably want one in Farmingdale, probably other Legislators probably want one in every sector. I mean, where does it end?

CHIEF MOORE:

I don't know, sir, that's really up to the Police Department, of course with your help, but it certainly makes a whole lot more desk cops, which is just •• this is not the time for that sort of thing.

LEG. MYSTAL:

Now this is a question •• I don't know if you can answer it •• is this a question of political muscle, that who has the muscle and the vote can force a field office in their district, or is it you know •• is there a policy, a general policy, from either the administration or from the Commissioner that we need these field offices?

CHIEF MOORE:

Well, as far as the politics are concerned, sir, I think it would be very dangerous for the police to be overly involved in the political process. So I really can't speak to that. As far as, you know, satellite stations or field offices, we'll use the terms interchangeably, you know, we can well understand that it gives the appearance of an enhanced police presence, but all our information anecdotal from just talking to people, research that we've done, convinces us that people would rather see the foot officer and the bicycle officer walking around as opposed to maybe behind some desk somewhere in a small office front or •• you know, that's maybe in an urban environment, that would be more appropriate, but in an environment such as Suffolk County, the need just isn't as great.

Now some of the sites that we have field offices and satellite stations in currently, are attached to weed and seed sites. Now, weed and seed sites are a whole other matter. That's a federal program, as many you of you know, and I won't take up the time, but that's not really the same thing. And even in those cases, I'm sorry to report, that we're just not in a position to staff those officers •• those offices anymore than intermittently, because again, the notion is that our communities are safer when the police officers are on the street.

LEG. MYSTAL:

Thank you.

CHAIRMAN O'LEARY:

Any other questions of the committee? Thank you very much, Chief.

CHIEF MOORE:

Thank you, sir.

CHAIRMAN O'LEARY:

My next card is Dave _Shanell_ regarding Resolution 1608, correct, sir?

MR. _SHANELL_:

Yes.

CHAIRMAN O'LEARY:

Can you identify yourself for the record, please? If you want to sit down, you're more than welcome to sit down or if your more comfortable there, that's up to you.

MR. _SHANELL_:

Good morning, Mr. Chair, and committee members. My name is David _Shanell_. I'm currently the secretary treasurer for the Bakers Union Local Three. I represent approximately twenty•six hundred members here on Long Island and in the Tri•State area, 800 of whom work at the Entenmanns Plant in Bay Shore. And they're always concerned about the quality of life. I'm here to urge you to adopt Resolution 1608, to help improve the quality of life, and also bring some work into Long Island and the building trades. I'd like to thank you for the time to hear the public's concerns. Thank you.

CHAIRMAN O'LEARY:

Thank you, sir. Any questions? Thank you very much. Next card is Pete _Zarccone_, Laborers Local 66, also wishes to speak on 1608. Good morning, sir.

MR. _ZARCONE_:

Good morning. I'd like to first thank you for taking me to speak in front of you, appreciate

that. I represent Laborers Local 66 and the building trades. My name is Pete _Zarccone_ . I have about 15,000 laborers that I represent also. I'm here today to speak on Resolution 1608, and the way I understand the resolution is worded •• it is to do a study of the Yaphank future development of that site. The way the building trades are right now, we're a little slow as far as the work goes. I think this would be something that would be very good to throw some more, you know, work out there for the building trades and also bring some economic growth to the area. So, today I urge you to approve the money for the •• for the Yaphank site. Thank you.

CHAIRMAN O'LEARY:

Is that the issue, the fact that it's the appropriation or the approval of the 250,000 for planning purposes?

MR. _ZARCONE_:

Well, for right now I think the start of it is to get the money approved so we can go forward with the project. I understand that the first thing we have to do is get the study going, am I correct?

CHAIRMAN O'LEARY:

Yeah. Well, there's been a process that's been put into effect, there's been a task force committee, the Yaphank Development Committee, that was established by resolution, which is to be meeting in the couple weeks for its organizational meeting. These monies would be used to advance the initiatives of that particulars committee. It's not a question of us not being supportive of either the committee, the development committee, or the amount of monies used for planning purposes, it's the funding source. But that has been reconciled with at least Chair, who advanced the initiative to form the Task Force committee in the first place.

So, if that's a concern, that will hopefully be addressed today in committee with respect to the funding source that was in question. There was a question of whether it should be bonded or whether it should be pay•as•you•go monies. Just so understand that.

MR. _ZARCONE_:

I appreciate that.

CHAIRMAN O'LEARY:

It has nothing to do with the merits of the intent of the utilization of the monies. It's for a good

purpose and a good cause. It's how we're going to fund it, that's the issue.

MR. _ZARCONE_:

My understanding is the funding was supposed to come out of Work Force Housing.

CHAIRMAN O'LEARY:

That's correct. And that's why I just indicated to you that that matter has been reconciled at least in the mind of this particular Chair of this committee.

MR. _ZARCONE_:

All right?

CHAIRMAN O'LEARY:

Okay.

MR. _ZARCONE_:

Thank you.

CHAIRMAN O'LEARY:

Thank you. Any other questions of this gentleman? Okay. I have another card. Thank you very much.

MR. _ZARCONE_:

All right.

CHAIRMAN O'LEARY:

Another card, Mario _Matera_, whose from the Plumbers Local Union 200 to speak on 1608.

MR. _MATERA_:

Not really. Good morning, Legislators, and Chair. I appreciate the opportunity for letting me speak. My name is Mario _Matera_, business agent, Plumbers Local 200. I represent 1200 union plumbers, Nassau and Suffolk Counties. Approximately 80% of my plumbers live in Suffolk County.

I would like to speak about the •• on the proposed Resolution Number 1608. I am in favor of this project. We need future projects like this for Long Island to keep the economy flowing. Without construction the economy is at a stand still. This project will generate numerous jobs for construction workers and the building trades. And after it is completed, the economy will be strong afterwards with the jobs that will be created •• that it will create.

You know, the other day I was watching News12 and they had a survey on 50% of Long Islanders that aren't going to be able to afford any housing here on Long Island, and it's very upsetting to me that, in other words, it's about the wages. We need to have a decent wage here to live here on Long Island. And I know everybody here in this room understand that. We want to see our future still grow here on Long Island and stay here on Long Island, like my children in the Town of Smithtown.

I was very fortunate that, in other words, that I could afford a house ten years ago in the Town of Smithtown. If today I was trying to purchase a home, it would be very, very difficult the way the prices are going. I'm just very nervous what's going to happen ten years from now. But we need to have a decent wage here for our future.

I'd just like to commend County Exec Steve Levy for this proposed Resolution 1608, and I'd like to commend the Legislators for all of the support in the past. And, please, help us out with this. We need this for the future, and I appreciate it very much.

CHAIRMAN O'LEARY:

Thank you very much. Legislator Mystal.

LEG. MYSTAL:

Yeah. Are you doing any work the Town of Smithtown? Do you realize that the Town of Smithtown doesn't want any part of affordable home or workforce housing?

MR. _MATERA_:

No. Okay. No.

LEG. MYSTAL:

You say you live in Smithtown, but the town itself doesn't want any part of workforce housing. If they told the County Executive and the Legislature, they will jump.

MR. _MATERA_:

Okay. We will have to work on that. Oh, no listen to me. I appreciate that whatever I can do to help.

LEG. MYSTAL:

We will appreciate it.

MR. _MATERA_:

I want to tell you I live in the Town of Smithtown for 40 years, and all I can say is that Suffolk County is growing larger than any county right now, and we just need to keep the jobs here on Long Island.

LEG. MYSTAL:

I'm asking you to go to the town board and see if you can talk to the Supervisor and see if they can please join with the rest of Suffolk County and allow some workforce housing in your town, because they don't want it.

LEG. KENNEDY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Kennedy who is from the Town of Smithtown.

LEG. KENNEDY:

If I engage in just a brief bit of soliloquy here with my colleague.

CHAIRMAN O'LEARY:

I must make note of the fact, and I reiterate, that Legislator Kennedy is from the Town of Smithtown.

LEG. KENNEDY:

From the Town of Smithtown. Just so you are aware and certainly I'm from the I have brought of those concerns to the town board, and I have spoken to the Supervisor directly at length,

Smithtown, I guess, has some unique •• and there is, I think, there some acknowledgment that obviously every town in the County of Suffolk needs to go ahead and address the concerns that the plumbers and all the trades bring. And all of us know, housing is difficult to go ahead and achieve and enter. I know personally with four children who are trying to go ahead and look to establish housing.

There are some things that we can look to possibly do. We've talked about some dialogue as far as some of the accessory apartment housing and the downtown types of arrangements where we could possibly entertain connection with the sewer district, Kings Park Sewer District, to go ahead and get some additional relief.

LEG. MYSTAL:

Kings Park?

LEG. KENNEDY:

Well, that's part of the Town of Smithtown and that's part of some of the actual mechanics, it if you will, associated with achieving affordable housing. As we all well know here, we have a responsibility, as much as a desire, certainly when it comes to trying to go ahead and afford a combination under the Sanitary Code and some of those types of things, it is as much as our responsibility as it is in order to go ahead and ••

CHAIRMAN O'LEARY:

Okay. I'm going to cut off this discussion regarding •• we've gotten off point.

LEG. MYSTAL:

Yes.

CHAIRMAN O'LEARY:

As is so typical on occasion with respect to this body. So I'm going to cut off the ••

MR. _MATERA_:

Debate.

CHAIRMAN O'LEARY:

I'm going to cut off the discussions regarding workforce housing and focus on what you came

up here for, 1608. We will be addressing that very shortly.

MR. _MATERA_:

We need our jobs to stay here on Long Island. Thank you.

CHAIRMAN O'LEARY:

Thank you. Next card is a Mason Hass, title examiners, to discuss 1004.

MR. HASS:

Good morning, Ladies and Gentlemen.

CHAIRMAN O'LEARY:

Good morning.

MR. HASS:

I'm looking at this bill, 1004. I've been here two times, this is now the third time, to discuss this bill. You know, the bill has to do with the security in Suffolk County Clerk's Office coming under Public Works, you know, to be one department handling security. And it talks about conformity with the new title examiners' policy at the County Clerks. I don't know if that's correct.

This should probably be changed to help the senior citizens and those with disabilities that have access to that building. The building, if you are all familiar with the building, has one access point and that's at the front of the building. If your familiar with Court Actions, the Julietta Kinsella Building, it's located in the back of the building, you go in there •• you're a senior citizen, you go in there, you're somebody with a disability, you go in there, and you need to make some photocopies, you don't have change on you or you need to use a restroom, there is no restroom for the public in that building. There's also no change machine. Currently, if you do need to use a restroom, or you need change, you have to leave that building and walk approximately about a quarter of a mile to half a mile to get access to the front of the building. I have spoken with DPW ••

CHAIRMAN O'LEARY:

Excuse me a second. I'm going to ask the committee to be in order for the purpose of not

being so disruptive.

LEG. MYSTAL:

Thank you, sir.

CHAIRMAN O'LEARY:

Thank you. Go ahead.

MR. HASS:

As I said, it's approximately a quarter mile to a half mile to get around to the front of the building. So you have senior citizens that are walking that distance around the building, you have those with disabilities that have to get in their car, go around the front of the building and try to find handicapped parking, which is limited in the front of the building because it's the only access point. DPW, if this plan is approved to move out of this committee, will then take the two security guards that are currently under the County Clerk, who has no control over security, it's not his job, and he has stated that on numerous occasions, and then make another access point for the public to use.

This in turn would serve your constituents, your elderly and your disability people. If your familiar with the County Clerk's Office as it is now, that building out there, for the handicapped to get to the second floor to pay their taxes because they're late, the Treasurer's locate on the second floor, or they need to get a copy of the map from Real Property, they have some questions that deal with Real Property, who is also on the second floor, there is only one way to did that, and that is you would come in the front of the building, you would hike yourself around all the way around to the record room where there is a freight elevator, and that's how you get up to the second floor for those with disabilities, or they can't make it up the stairs.

I implore on you people to move this out of committee at this point. The heat of the summer is upon us, and that's not to going to stop these people from coming out. They have things, business to do with that building. Move this out of committee. Let the security •• the two persons that are under the County Clerk's Office as security personnel, let them come under the direction of DPW under one supervisor who will control them and, you know, give them orders and put them in the positions that they should be and get another access point in that building.

CHAIRMAN O'LEARY:

Any questions of the committee? Thank you, sir.

MR. HASS:

Thank you.

CHAIRMAN O'LEARY:

Last and final card is Ellen Schuller•Mauk, President of the Faculty Association.

MS. SCHULLER•MAUK:

How quickly we forget. I'd like to talk today about Introductory Resolution 1357 dealing with protecting Suffolk County employees from identity theft. And while I would like to applaud the committee and the sponsors of the resolution for attempting to address this concern, I think it's a concern not only of Suffolk County employees, but also of the citizens at large in terms of the widespread attempts at identity theft.

I think that the resolution is misguided in a couple of ways. First of all, it talks about dealing with identity theft in terms of the Employee Medical Health Plan, which indicates that when we go out to bid that we should not select a vendor who cannot address this particular issue in ways other than using Social Security numbers. I would like to respectfully suggest that this resolution, if passed, would be a violation of the Taylor Law in that in that the health insurance and the provisions and the administration of the health insurance is part of the collective bargaining between all nine unions and the County of Suffolk.

CHAIRMAN O'LEARY:

That sounds familiar.

MS. SCHULLER•MAUK:

Excuse me?

CHAIRMAN O'LEARY:

That sounds familiar.

MS. SCHULLER•MAUK:

It sounds familiar? And in fact there was a previous issue that came before the Legislature that the Legislature passed, and that was sent as an improper practice to PERB and PERB found in favor of the unions. It's not that the unions and, in fact, the EMHP Labor Management Committee has not been discussing this issue, we have been, but I think it's improper for the Legislature to pass a resolution dictating the bidding process for the Labor Management Committee. Again, that's part of the collective bargaining purview.

And while I am not a trustee of the Suffolk County Municipal Employee Benefit Union, I am a trustee for the Faculty Association Benefit Fund, and we also have similar kinds of issues in that fund. However, as many of you may know, that our benefit funds are trust funds, and the administration and the decisions of the trust fund are solely the purview of the trustees. Again, it's not because the issue is not important, and again, I know in our benefit fund we have been discussing these issues, but again, it's a matter of the trustees and not a matter of County resolution.

And I so I would respectfully ask that you withdraw this with the knowledge that the people who are on these committees have been talking about these issues and are looking at ways to address them. Thank you.

CHAIRMAN O'LEARY:

Okay. Have you, as a representative of EMHP or any other union representative spoken to the sponsor of this bill with respect to what you •• the issues you just raised as well as his intent?

MS. SCHULLER•MAUK:

No, I have not. I got this late yesterday afternoon, and I have not had an opportunity. And I thought this •• you know, at least one of the sponsors would be at the committee today. But I do plan to speak to both of the sponsors.

CHAIRMAN O'LEARY:

Well, I think that is important, because he's the one that would withdraw based on your request. But I think in speaking to him very briefly about his proposal, his concern is strictly the identity theft issue regarding Social Security numbers and the easy accessibility of that through the current method of the •• of the SSNs appearing on the ID cards, I think that's still in place, correct?

MS. SCHULLER•MAUK:

That's still in place. And as you may well know, EMHP is now out to bid for our major medical and hospital vendors, and it's with those vendors that we get our identity cards. And this is obviously a part of the whole bidding process that we will be addressing. So when the bid is awarded, obviously we'll be able to address it in a timely way at that point.

CHAIRMAN O'LEARY:

So then there is some consideration of taking the SSns off the cards?

MS. SCHULLER•MAUK:

We have discussed it in committee, yes.

CHAIRMAN O'LEARY:

Okay. And as you indicated in your statement, it's your impression that this is a •• first to proceed with this particular res would be in violation of the Taylor Law?

MS. SHULLER•MAUK:

Correct.

CHAIRMAN O'LEARY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Hello, Ellen.

MS. SCHULLER•MAUK:

Hi.

LEG. LOSQUADRO:

This is an issue that I raised a number of times in committee, and I'll say again for your benefit, I've seen this in my personal experiences twice; once through the SUNY System and again in my employment through State Farm Insurance with the advent of widespread identity theft, SUNY System, at least at Stony Brook, because I've heard other schools may be did not, and then through the company that I worked for almost a decade, switched over quite rapidly to a

unique ID system. And I know you said that there has been discussion in committee, but what is the process? Is there a consensus that this •• that given this opportunity with a new contract, that we are going to mandate that unique IDs be generated by whichever vendor we select? I just ••

MS. SCHULLER•MAUK:

I mean ••

LEG. LOSQUADRO:

I'm sorry.

MS. SCHULLER•MAUK:

I'd like to allow both of the co•chairs for EMHP to address that specific issue, Jeff Tempera and Cheryl Felice.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN O'LEARY:

This is timely. I mean you've got to speak on this particular issue? On the identity theft issue? And then you might as well just stay up there because on the discussion presentation we're going to discuss ••

LEG. LOSQUADRO:

Legislator O'Leary, I was late, but now I'm streamlining.

CHAIRMAN O'LEARY:

I appreciate that. Just seque from this right into discussion, presentation on the AME contract. Legislator Losquadro.

MR. TEMPERA:

And again, I heard the question. We've already inquired as to our current vendor, Vytra as to their ability to do it. They've indicated a willingness to do it. There would have to be an interface obviously between our vendor and the County MIS system, because there's a number

of issues that drive off of that ID number. We've already had discussions between Vytra and MIS. They're working on it. Vytra has indicated a willingness.

But as Ellen indicated, we are also in the middle of an RFP process right now. We've inquired of all the new vendors of their ability to do this, and they've all indicated an ability to do it. That process should be wrapping up within the next month or so, and at that point, I think what you'll see is the committee will move on the issue. But it will be premature to issue new ID cards at this time in the middle of an RFP process. And if there is a change or something goes in a different direction with regard to the RFP process, and you've just issued new cards at an expense to the vendors, it was our decision to say let's just wait this extra period of time and make the decision through the RFP process.

That's specific •• and no one on the committee, no one from the management representatives is not saying this isn't a good idea. We do have opinions, though, from Labor Counsel, the County Attorney's Office, that this would be •• the resolution would be improper as a violation of the Taylor Law, but, certainly, there is support from the committee to move in a different direction.

LEG. LOSQUADRO:

And that was, I think, the point that I was making to Cheryl, was given the opportunity we have now that this should be something that •• and I •• I know we're deliberately using broad terms, vague terms, that there is support, but I think this is something that is absolutely incumbent upon those who have the ability in the process to make sure that this happens. We have ••

MR. TEMPERA:

I can tell you we are committed to it.

LEG. LOSQUADRO:

We have this opportunity to it now. As you said, there's no sense in incurring additional costs, but with this process moving forward, I think it is absolutely a necessity that we move to the unique ID system.

When I went to college initially, I had said, you know, our grades were posted by Social Security number. You know, they were posted on teachers doors when you went up to

departments. And you know, I new several people that had fraudulent credit cards generate in their name. So this is a very serious problem. I know there may be problems with this resolution, but I'm just speaking about the concept in general. And in the two years that I've been here, this is something that has been discussed during that time. And, as I said, my experience in the private sector has shown me that this can be done very quickly if people put their mind to it and decide it is something they want to do. So now that we have the opportunity with this process, I certainly hope that we take it, we seize it and that we move to a unique ID system for all our County employees.

MR. TEMPERA:

That is the direction we're moving in.

LEG. LOSQUADRO:

Thank you.

MS. FELICE:

If I could just add a comment to that, Legislator Losquadro and to the Chair, Legislator o'Leary. I did speak personally with the cosponsors, Lindsay and Alden, about the resolution and certainly do applaud the spirit of the resolution and realizing the fact that the Legislature has taken a proactive move in identity theft which has taken on a life of its own within the last year, I would say most definitely.

We certainly want to go to a unique ID system. The problem that we identified especially from our Benefit Fund, and our benefit fund of which I'm the Chair and Jeff is the vice•chair of, we'll have a problem in tracking the benefits for those individuals if there isn't some sort of ID system right now. So in the event the resolution were to pass in its current form, outside of the Taylor Law issue we would have to deal with separately, there would be no mechanism to actually track to make sure the benefits went to the right person.

That was our initial response, which I explained to Legislator Alden and Lindsay. But certainly understand that the commitment is on both ends. Certainly as a union we have made that request of the County to come up with a changed ID system and eliminate the use of Social Security numbers, we have made that commitment at EMHP, and we certainly have made that commitment on the Benefit Fund.

CHAIRMAN O'LEARY:

Just an observation. Have you changed the composition of the EMHP Committee that Jeff is now a vice no a co?

MS. FELICE:

No. I was referring to our Benefit Fund. The Benefit Fund, I'm the chair and he is vice•chair, but we are co•chairs.

CHAIRMAN O'LEARY:

Co•chairs of EMHP, but vice•chair ••

MS. FELICE:

If you made that resolution, AME would support it.

MR. TEMPERA:

I don't think we're going there.

CHAIRMAN O'LEARY:

I apologize for misunderstanding what you were talking about. I thought he was demoted to vice.

MR. TEMPERA:

I don't have a ••

CHAIRMAN O'LEARY:

Legislator Kennedy. Legislator Kennedy.

LEG. KENNEDY:

Just to follow up so that I understand, everybody, I think, appreciates the importance of it, eliminating the Social Security numbers, if we can. Similar to what Dan has talked about, I know his direct experience as a matter of fact through SUNY and through several other places, as a matter of fact, even in my former life out in the County Clerk's Office, I know from time to time we would wind up corresponding or requesting that the Social Security numbers not be utilized for obvious reasons.

The RFP process, though, the RFP was constructed, your soliciting bids back regarding provisions of management services for our employee medical benefits, is the ability to go ahead and develop unique identifiers part of that RFP process, or is this something that we're relying upon the committee's good faith and intentions when it goes through the vetting process with what you get back?

MR. TEMPERA:

It's part •• we've already asked each of the finalists about their ability to do the unique qualifier. But again, I think part of that process will be, and we've already looked into it within the County, they •• their systems have to interface with the County systems, all the enrollment records and information that goes back and forth electronically, the two systems have to match up. And we've already started inquiring of all three vendors as to their ability to did this. It is part of the RFP process that they will comply with some sort of unique identifier.

LEG. KENNEDY:

Just to follow up with that point, Vytra recently did go through something that was a fairly painful change of platform regarding their own automated system and its ability or lack thereof to interface with our own County system, which wound up being like something like a four, five, six month process that impacting claims. Whoever is being selected now, I guess, to provide, is that also something that your looking at as far as the ability to go ahead and much more rapidly, I guess, ramp up to what our system is? Is our own County system the standard?

MR. TEMPERA:

I think what went on with Vytra wasn't anything on the County's side. I think it was all the systems on their side.

LEG. KENNEDY:

Yes.

MR. TEMPERA:

And it's something that this committee, EMHP, both Cheryl and myself and all of the members of EMHP, have been very much on top of. And it's coming in the middle of an RFP process, so they've been scrutinized with regard to the issues and problems they have had. It will be corrected. And we have been assured not only by the President of Vytra, but the CEO, of HIP

who has addressed us on the specific issues and problems that they've had. And again, they have committed to us that they either are corrected at this point, the backlog of claims has been eliminated, and they are committed to making sure that we don't have these problems. But it had to do, you're absolutely correct, with a switch over in their operations, not ours.

LEG. KENNEDY:

Just one point if I can, on the Benefit Fund side, is there a private provider then who actually processes these claims, or is this something that we would have to do within the County itself as far as tracking the claims and the ability to create a new unique identifier.

MS. FELICE:

The Benefit Fund is not administered by a third party, it's solely administered by the fund itself. So all the claims are tracked in house manually by our staff there. We have approximately ten or 11 staff that process all the claims. But they have to coordinate the awarding of benefits by according •• by Social Security number right now, unfortunately. That's their only means of making sure that the right benefits went to the right individual.

MR. TEMPERA:

But we •• and again, I think Cheryl and I have spoken about this in the past, I'm the vice•chair, she's the chair, Pete, of the Benefit Fund.

CHAIRMAN O'LEARY:

That's it. I thought you were talking EMHP.

MR. TEMPERA:

We are committed at the Fund level to find a way to move away from Social Security numbers, because that has come up at the Benefit Fund level as well. And again, whatever we need to do to move away from it, it's being looked at, we're trying to find a different identifier, whether it's the last four digits of the Social Security number that you see in many instances or some other method, but it's getting the current system to move in that direction.

LEG. KENNEDY:

Again, I'm just struggling, I guess, to understand where it is or whom has to go ahead and actually do the programming changes in order to modify the software to now relieve it from the social and put it into a unique identifier. This is a County•owned program?

MR. TEMPERA:

This is •• the benefit funds, we've got a couple of benefit funds in the County, and for whatever reason, this resolution just dealt with AME. We've got, I believe, three •• four separate benefit funds in the County. AME is the one for whatever reason that is included the resolution. A separate entity, separate and a part from the County, not controlled by the County, fiduciary responsibility to the fund, all the County does is provide the funding on a per capita basis, and the trustees that oversee it, make the policy decisions and oversee the fund. The trustees are committed, and it's an •• I think this is your point, and Cheryl answered it, it's an in•house within the AME benefit fund computer program.

LEG. KENNEDY:

It's under their dominion and control, and so it would be incumbent on the trustees to go ahead and seek program and go ahead and modify the software?

MR. TEMPERA:

Correct.

LEG. KENNEDY:

Thank you.

CHAIRMAN O'LEARY:

Regarding the identity the res, anymore questions from the committee? Okay. I'm going to close the public portion and go into the discussion•presentation portion of the meeting. We have before us the Director of Labor Relations, Jeff Tempera, and the President of AME, Cheryl Felice to discuss the recent settlement of the •• between the County and AME on the contract settlement from the years 2004 through 2008.

MR. TEMPERA:

I think you all should have, at this point, a copy of Budget Review's report.

CHAIRMAN O'LEARY:

Yeah. I want to make note of the fact that we do have copies of the report from Budget Review of the proposed •• or actually did the membership vote on this?

MS. FELICE:

Yes. I'm happy to report that the membership overwhelmingly approved the contract for both white collar and blue collar.

CHAIRMAN O'LEARY:

Overwhelmingly?

MS. FELICE:

Overwhelmingly.

CHAIRMAN O'LEARY:

Well, that's great news, but all you need is 51%.

MS. FELICE:

Yes. It was a landslide.

CHAIRMAN O'LEARY:

I'm happy to hear it was overwhelming. But we have the report from Budget Review in front of us, and I would urge the committee members to peruse it during the course of this presentation on the part of Director Tempera and President Felice if there are any questions regarding the contract settlement.

MR. TEMPERA:

And Legislator O'Leary, I don't know if it's clear that the reason we're here today is not only because it's been passed by the membership yesterday, but that it's in the intent of the County to move forward with a CN on Tuesday and put this resolution on the table, so it gives the Legislators the opportunity at this point to ask any questions they may have.

CHAIRMAN O'LEARY:

Yeah. And I also want to make •• on the record, it's my understanding that Cheryl, you sent the notification or a letter to all the Legislators that the provisions of the settlement were to be discussed at Budget and Finance as well as Ways and Means.

MS. FELICE:

Correct. We also wanted to make sure that the Legislature had ample opportunity to ask questions of us, that we needed to answer to you in reference to our agreed settlement. And when the County offered to put this through on a CN and put it to rest before the Legislators took their •• their summer break, we did contact the Presiding Officer, who was in agreement with that, providing that everyone had the opportunity to answer questions that they needed to be asked. So we made our selves available this week to have those questions answered. I did address all the individual Legislators by a letter and offered them my personal cell phone number if they needed to call me, some of them did. And we are here today to also answer any other questions that you may have.

CHAIRMAN O'LEARY:

Thank you for that. That will be helpful, of course, at our General Meeting on Tuesday, if and when the CN comes over, and I fully anticipate it will come over. It will reduce and maybe even perhaps eliminate the need for any questions on the part of Legislators. I'm not going to guarantee that.

MS. FELICE:

And we understand that. But by all means, as I said, we wanted to make sure that we gave this body ••

CHAIRMAN O'LEARY:

The point I'm trying to make, they were given the opportunity to either come to Budget and Finance or Ways and Means to ask questions of the two of you regarding the settlement.

MS. FELICE:

We're here today, and I'll have been available for Tuesday as well.

CHAIRMAN O'LEARY:

Oh, yeah, I would hope so, because I think that's when the questions are going to come from those who are not here. But any way, your presentation.

MS. FELICE:

Basically, what we'd like to say is that we understand the complex agenda that the County

Legislature and the County Executive has in this particular time with the fiscal impacts within the County. This union and its membership is cognizant of the fact that there is a tax revolt taking place in Suffolk County as we speak. We know that nearly 40% of school budgets remain rejected in their current school board votes, and we approached this particular contract negotiation with an eye towards making sure our membership receives what we believed was fair for them, considering the work that they do for this County and the backbone that they represent for all of the County agencies. But also keeping in mind that the government has a responsibility to its residents and its constituency as well.

We believe we met that balance. We believe this contract is fair and equitable for both parties. It does represent an average wage increase over the life of the fact of 12.8% after it's compounded. The first year awards our members a 1925 bonus for 2004, 3% for 2006 •• 2005, 2006, 2007 and then a three and one quarter percent for 2008. In it, according to the report, as you will see, there's some enhancements to uniform allowance, tool allowance for those members who enjoy those provisions. And then most importantly, when we spoke about the Benefit Fund earlier, AME's Benefit Fund remains the lowest in benefits it provides to its members compared to the other County union benefit funds. And this particular contract now enables us to come up to par with those other unions, just as we have done within EMHP when the theory behind EMHP is that no one's health is more or less important simply because of the bargaining unit that they are in. And the particular provisions for the Benefit Fund offering over a million dollars in the first year alone with the lump sum payment and the additional per head payment into the Benefit Fund will allow us to bring our benefits within line with the other unions in this County similar to •• as we have done within EMHP. So we're very proud of this contract, we're very proud of the provisions that we have agreed to, and we are here to answer your questions.

CHAIRMAN O'LEARY:

Jeff, you want to comment?

MR. TEMPERA:

Again, you know, I echo what Cheryl has said with regard to the agreement. I believe it's a fair and equitable agreement. We received some management reforms that were important to the County. The raises fall within the cost of living raises that have been given out. The •• I think the important item to keep in mind, and Budget Review has this within their report, there is

money within the '05 budget to pay for the agreement and the settlement. We were very cognizant of that fact during negotiations as to what our limitations were. Both sides gave a little, and I think we arrived at an agreement that is fair to the employees, fair to the taxpayers, and fair to the County as a whole.

But, again, I think it met some of the directions that the County went into this negotiations with, which were to seek significant reforms, and the union had their direction from their membership to reach a fair wage settlement. And I think both sides were able to achieve a fair and equitable agreement.

CHAIRMAN O'LEARY:

I just have just two points. The retro, the 1925 retro, you had to have been on payroll prior to July 1st, 2004, and continue to be on payroll July 1st, 2005, for the full 1925. If your on payroll after July 1st, 2004, and on still on payroll July 1st, 2005, that's prorated?

MR. TEMPERA:

Correct.

MS. FELICE:

Correct.

CHAIRMAN O'LEARY:

That's just for the Year 2004, correct?

MR. TEMPERA:

That's correct.

CHAIRMAN O'LEARY:

And just one question, the step increases are still in this particular agreement?

MS. FELICE:

Yes, the step increases are still in effect for those people who are in the step system, will enjoy both the 3% wage increase 2005 and the 3% step increase for a total of six within that calender year.

CHAIRMAN O'LEARY:

All right. And just, if you will, Cheryl or Jeff, explain freezing the entry level salary. Is that for the term of the agreement? There are no •• new employees will not advance in step, is that my understanding with respect to this?

MS. FELICE:

Yes and no.

MR. TEMPERA:

Yes. This did come at the Budget and Finance Committee as to what was done with regard to the entry level step. And people were looking at the new employees, current employees, individuals, when we negotiated changes in the salary plan, we don't look at individuals, the entry level step is frozen for the life of the contract. So anyone who is hired into the entry level step, that step will be what it is currently, it will remain that way for the life of the agreement. There are two ways that the entry level step on a per title basis can change. The first step is if the County Executive, through either requests from individual Legislators, department heads, it's brought to his attention that we're having problems in recruiting and that the entry level step is out of step with what's going on in our recruitment areas, the County Executive can unfreeze a specific step for a specific title.

The other mechanism to unfreeze the entry level step for a specific title is if the union, through their research, through questions from their membership, approaches the County, the County then will review that information, and if they concur with it, that is the second avenue to unfreeze that specific step.

CHAIRMAN O'LEARY:

So in other words, either side can do a reopener?

MR. TEMPERA:

It's not •• either side •• the union can request of the County to review a title. The County on its own can •• has the ability on the request then on their own.

CHAIRMAN O'LEARY:

So I understand this, the base salary entry level is frozen, but they will advance in step or they won't?

MS. FELICE:

They will advance through the step system, absolutely.

CHAIRMAN O'LEARY:

But the base salary will not have the percentage increase for the term of the agreement?

MR. TEMPERA:

Someone has to be on the payroll prior to January 1st of any year to be entitled a step. So someone who is hired, for instance, someone who's hired in December of this year, would be hired into a step that's frozen, but July 1 of '06, will get the normal step increase and will •• from step one into step two.

MS. FELICE:

And if I may, Legislator O'Leary, at that point, the chart has increased an additional 3%, so their first movement for the individual that was just outlined, will receive a 6% step instead of the three, because the chart has already increased with the 3% wage.

CHAIRMAN O'LEARY:

Is it •• is it safe to say that the step increments in the agreement still remain at 3% on average?

MS. FELICE:

The chart still remains a 12 chart system and at 3% increments.

CHAIRMAN O'LEARY:

Okay. And just one other question before I turn it over to the committee members for questions, do the provisions of the contract still require for any modification or the example we were just discussing, double signature, the Exec and the Presiding Officer, for the purposes of hiring?

MR. TEMPERA:

You're talking about, I think, management employees. Any up•step, upgrade with regard to management employees would require •• there's two mechanisms; it can go before the Salary Appeals Board or it requires the signature of the County Exec and the Presiding Officer. That's in accordance with the ruling of the Classification and Salary Plan. With regards to AME employees, by contract, it requires a double signature between the Director of Labor Relations and the President of the Union, and that's •• it's that way with all the unions.

CHAIRMAN O'LEARY:

Okay. So it's only applicable to management exempt?

MR. TEMPERA:

That's correct.

LEG. CARACAPPA:

It's the management.

CHAIRMAN O'LEARY:

Yes. Is there an exempt bill coming over?

MR. TEMPERA:

Yes, there is. Actually, I think in today's Newsday when it was reported on the outcome of the union vote, the County Executive made mention that on Tuesday he plans on putting forward a bill granting the same increases contained in AME for the management employees.

CHAIRMAN O'LEARY:

Are you privy to the provisions of that exempt bill? Does it just mirror •• does it just mirror the AME wage package with no other managerial prerogatives in it?

MR. TEMPERA:

That's my understanding, yes.

CHAIRMAN O'LEARY:

It's just the wage package.

MR. TEMPERA:

Correct. It's a cut and paste from what you see in AME, probably the only difference that I'm aware of is •• the freezing of the entry level step would not apply to the management employees, since there is no steps in management, and therefore, if you froze the entry level step it would mean that anyone in there would never receive a raise for the life of the contract. So absent that change, the wage increases that you see within the AME agreement would directly apply to management.

CHAIRMAN O'LEARY:

Does the •• does the managerial exempt CN include step increases?

MR. TEMPERA:

No.

CHAIRMAN O'LEARY:

It does not?

MR. TEMPERA:

As it hasn't since ••

CHAIRMAN O'LEARY:

Can you explain to me why it will not and why it has not? What is the history of that?

MR. TEMPERA:

The Legislature passed a resolution back in 1988, 659 of 1988 granting certain benefit changes and benefits to management, included in there was the proviso, if I recall correctly, number one, the sick time reform, the no steps, no comp time. But that was a resolution that came forward from the Legislature, and each time a salary resolution comes forward, it addresses the salary portion of the •• of the management salary scale. It hasn't addressed anything with regards to steps.

CHAIRMAN O'LEARY:

Okay. As the Chair of Ways and Means, I think it appropriate to notify not only the members of the committee but yourself, as well, as Director of Labor relations that I am •• I'm proposing •• I have a resolution which will be laid on the table on Tuesday which will address step increases

for exempt employees. And assuming, assuming that the wage package coming over with a CN from the County Executive mirrors the AME package, I have taken the liberty to take that very same wage package and incorporate it into my proposal. The only difference, of course, being that I am looking for put back the step increases for exempt employees. I just wanted to make you aware of that.

MR. TEMPERA:

Okay. Thank you. And I'm sure it will be reviewed by the County Exec's Office and ••

CHAIRMAN O'LEARY:

I'm sure it will be.

MR. TEMPERA:

And Budget people.

CHAIRMAN O'LEARY:

The Chair recognizes •• I'm very sure it will be. The Chair recognizes the Presiding Officer, who is here ••

P.O. CARACAPPA:

He answered the question.

CHAIRMAN O'LEARY:

Asked and answered.

P.O. CARACAPPA:

Asked and answered. Thank you.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

Yes. Just, I think, one question. The resolution for the exempts, that's going to include the County Attorneys, the Board of Elections people, Legislative Aides, that's all inclusive?

MR. TEMPERA:

It's all inclusive, I believe the only difference that I'm aware of is there are certain college personnel that through the budget process last year had already received their increases for '04 through, I think, September of '05, it will be a carve out for that group. Other than that, County Attorney's Office, District Attorney's Office, Board of Elections, and all other members of management, which would include all the Legislative Aides.

CHAIRMAN O'LEARY:

Yeah. Do we have any numbers on that, on the amount of exempts? Because I've had some discussion with BRO, and they tell me there's •• and, Jim, I'm speaking to the amount of exempt employees that are in Suffolk County now. In my discussions with you, I was told it's about 611 with about 503 that are currently filled?

MR. SPERO:

We've identified 534.

CHAIRMAN O'LEARY:

Five hundred and thirty four currently filled?

MR. SPERO:

Exempt employees on the payroll.

CHAIRMAN O'LEARY:

How many of that 534 is graded with steps or currently frozen steps?

MR. SPERO:

Well, the only •• there is a management salary plan, so I think everyone but the Board of Elections fits into that salary plan. The Board of Elections salaries for each title, every person in that title gets the same salary.

CHAIRMAN O'LEARY:

All right. So the BOE is not graded, they're ungraded?

MR. SPERO:

Yes.

CHAIRMAN O'LEARY:

And my understanding is that there are 124 in that assignment?

MR. SPERO:

That sounds about right.

CHAIRMAN O'LEARY:

Well, that's what you told me. I hope it's right.

MR. SPERO:

I don't remember the numbers.

CHAIRMAN O'LEARY:

All right. All right. Legislator Montano, I'm sorry. Do you have anything else?

LEG. MONTANO:

No. No. That was of the one yes.

CHAIRMAN O'LEARY:

Legislator Mystal?

LEG. MYSTAL:

No •• well, yeah. One simple question for both of you. Mr. Tempera ••

LEG. LOSQUADRO:

But it's got nine parts.

LEG. MYSTAL:

Are you happy with the contract?

MR. TEMPERA:

Am I happy with the contract? I believe it is fair for both sides. Yeah, I think it contains a little

bit of pain from the County's side, and the increases may not have been what we had wanted them to be. We saw, obviously, lower increases, but I believe there are mechanisms in there to help fund this contract. But I think from the union side, I think what you'll hear is the same thing, they feel there's a little bit pain.

LEG. MYSTAL:

I'm ask Cheryl the same question. Cheryl, are you happy?

MS. FELICE:

Absolutely. In our minds, it met the balance. There are certainly items that we asked for more of what you see in that final settlement, but we agreed to items that finally ended up being more than what we anticipated they would be.

LEG. MYSTAL:

Good. Bring on the CN. You've got a deal.

MS. FELICE:

Okay. Thank you.

CHAIRMAN O'LEARY:

The only •• do you have any ••

LEG. LOSQUADRO:

No thanks.

CHAIRMAN O'LEARY:

The only thing I want to caution the County Executive representatives who are here, it's my sense that this body is fully supportive of the agreements of AME, and it's also my understanding that there are two separate and distinct CN's coming over on Tuesday; one for the AME contract and one for the exempts. I would hope, I would hope that those two CN's are not incorporated into one, if you understand what I'm saying.

MS. FELICE:

Okay.

LEG. MYSTAL:

Two CNs.

CHAIRMAN O'LEARY:

Its two separate and distinct CN's, one for the exempts ••

LEG. MYSTAL:

Ben says yes.

CHAIRMAN O'LEARY:

Is that true Ben?

MR. ZWIRN:

Yes. Yes.

CHAIRMAN O'LEARY:

Even after •• based on what I just stated about my Introductory Resolution?

MR. ZWIRN:

I heard you.

CHAIRMAN O'LEARY:

All right, thank you.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

I just have a •• I'm going to ask both of you, if you will, in your briefing memo, Item 14, sick

leave, apparently under this contract sick leave is now being •• there's been certain revisions associated with the sick leave policy. Can you just speak briefly to what was and what now will be under the new contract?

MS. FELICE:

Sure. I'll let Jeff go first.

MR. TEMPERA:

Thanks. And again, I think it's important to note that what you see here in this sick leave management program, I don't think is •• it is •• is a drastic change from what's been in existence in the past. This is a policy •• we're looking for equity across County lines that this is a policy this was awarded through an interest arbitrator with Superior Officers in the County, this was a policy that was awarded through the Detectives Association, interest arbitration early this year.

The changes to it for AME simply recognize that we're dealing with several departments, not just the Police Department, dealing with department representatives. But it's a monitoring system with regards to the use of sick time. And I know that I have heard a lot of misrepresentations with regards to what this sick leave policy will do. It monitors sick leave, it has very specific definitions as to what an occurrence is, an occurrence could be one hour, an occurrence could be 15 days. It is •• it has definitions with regard to what a full sick day is. And I understand that people had fears that legitimate use of sick time might result in someone being deemed an abuser. That is not the intent. We have set up mechanisms for any individual who meets the criteria as an abuser, which would be five occurrences or eight full sick days to appeal any of those occurrences through the presentation of a doctors note or other documentation to request that the time not be considered as an occurrence or as a sick day under this policy.

LEG. KENNEDY:

Five instances or eight full days within what time period?

MR. TEMPERA:

Within a 12 month time period.

LEG. KENNEDY:

Within a 12 month time period. And how does that get marked? In other words, when does time begin for recognition of that?

MR. TEMPERA:

Well, the policy starts ••

LEG. KENNEDY:

Is it annual?

MR. TEMPERA:

Well, it starts checking time as of January 1, '06. And it would be during a payroll period that if someone uses the time, it clicks from that day, as I understand it, you're looking at a twelve •month period forward. And if someone uses on a rolling period of time uses more than the five occurrences or six •• or excuse me, eight full sick days, they have •• they could be designated as an abuser if they do not present documentation and bring it forward as an appeal to say this is time that was legitimate, it is time that was used where I went to the doctor, I've got asthma and it's documented with the department, and I took off for something that type of situation. The appeal mechanism is built right into the procedure and allows individuals who are out legitimately ill to present that documentation and not have it count as an occurrence.

LEG. KENNEDY:

I know departments have been vigilant, you know, having been in that •• having dealt with those issues going in my previous life.

MR. TEMPERA:

The one thing we always have to remember, and I apologize, but it comes up time and time again, and the union will sit here next to me and •• always every union has ever dealt with in all my years have said the same thing, sick leave is for legitimate illnesses, individuals who don't sick leave for legitimate illnesses hurt everyone else out there. And management has a right to make sure that when someone takes off a sick day, they're using it for legitimate sick purposes. And this is just a mechanism to make sure that there's oversight and a reporting mechanism as to the individuals taking off the time, that is for legitimate purposes.

CHAIRMAN O'LEARY:

I may interrupt, Legislator Kennedy. What you're saying, Mr. Tempera, is that this provision with the sick leave in the AME contract mirrors other bargaining units in the County?

MR. TEMPERA:

Absolutely.

CHAIRMAN O'LEARY:

Thank you.

MS. FELICE:

If I may?

LEG. KENNEDY:

Cheryl, I was just going to say from the union's perspective, do you feel that the members are ••

MR. FELICE:

Thank you. Well, actually, the way we approached looking at the sick leave management policy is that we receive approximately three to five disciplinaries a week that involve sick time abuse already, so we recognize the fact that in our contract management as a right to create a monitoring program and has been doing so.

For us, what this does is it solid identifies the policy into something that is more consistent and now is consistent between the departments. And it also makes it more enforceable for us, because in the event there are managers that target employees, and I'm saying there are a few, not many, but there are a few that do target employees simply because of personality conflicts, and we have brought those issues to grievance and can continue to do so under this policy. And those past grievances, we've prevailed over. We would do the same here. So in our minds, again, how we looked at it was this is nothing more than solidifying a practice that the County already has the right to do, formulates it into a policy that becomes more enforceable under the particular agreement. And then also there •• the policy where the management can now institute evaluation programs where they don't already have them, we want to make sure that the County is doing its part to counsel individuals if they run into a problem, and we will get copies of those particular evaluations so that we too can call our

members in and ask, is there a problem, is there any way we can help, and that this is really nothing more than the County already had the right to do.

LEG. KENNEDY:

I think just two more quick points, Mr. Chair, if I can. So where you have employees who may have cyclical or chronic types of illnesses, you feel that they're being adequately protected because they have the ability to go ahead and document, I guess, being under physicians care and they're not going to be unfairly penalized. The evaluation process you mentioned though, is the evaluation something that's an outgrowth once somebody is established as a chronic abuser, or is that an additional piece that's being put in there?

MS. FELICE:

That's an additional piece that's single and separate from the policy, but it is also a practice that management has a right to do and has been doing. What we wanted to see in the contract, however, was to identify those evaluation policies so that the County is more inclined to utilize them. Many times we get a Section 75, that's a termination of case against an employee, as you know. We may not ever have had any record of disciplinary on that particular employee up at AME Headquarters. And now what we want to encourage the County to do is if there is an event where an AME employee needs to be counseled that we can participate in that so that it doesn't ride so we can prevent that employee and help that employee from rising to a level of Section 75. Many times what we find in the County is progressive disciplinary isn't being utilized to avoid a problem before it becomes a massive problem, where the County is seeking termination. And we're doing our part to make sure the employee is getting everything it needs from management to be able to fill their obligations to the job. And we believe this policy along with the evaluation policy will help achieve that goal.

LEG. KENNEDY:

I guess the majority of the membership does too. Thank you.

MS. FELICE:

Thank you.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I heard most of this in Budget and Finance. I was actually just going to bring up the point, the last point, that Legislator Kennedy made about the job evaluations. I was happy to see something more akin to a corporate structure be agreed to that it does formalize the process, because in the end, I think it benefits the employee, and I know no one in AME certainly, a very proud work force, would shrink away from accountability. So I think this is •• I think this is good language that has been put in here. And ultimately, as you said, using a progressive system will ultimately wind up helping the employees.

I was also happy to see the fire rules, the language added recognizing the contribution that the volunteer fire •• members of the Volunteer Fire Services in Suffolk County make. I just wanted to make those couple of points. As I said, I heard most of those in the last committee, so I commend both sides for the good work on this.

MS. FELICE:

Thank you, Legislator Losquadro. If I could, just to add to what you said. As far as the evaluation policy, it goes both ways. We also plan on using that particular policy to help employees in the event they are working over and above title where we can advocate for a desk audit for that particular person. So it is going to go both ways in what we plan on utilizing it for.

With reference to our fire rules, we are very proud of our volunteer members who volunteer for their community. And the long standing practice of the County was for to allow for the administrative leave for those individuals to serve their community. Now it's incorporated directly into the contract and also gives us an added Labor Management Committee to enhance upon those rules as well as look at the ambulance personnel that aren't included in the language right now, but one in which we hope to include in the future.

CHAIRMAN O'LEARY:

The sick time policy incorporated into the agreement, as I said, mirrors •• mirrors the provisions in all the bargaining units within the County?

MR. TEMPERA:

It mirrors the Detectives and the ••

CHAIRMAN O'LEARY:

PBA?

MR. TEMPERA:

•• and the SOA. We are seeking it in our current negotiations with other groups. Our ultimate goal is to have a uniform policy throughout the County.

CHAIRMAN O'LEARY:

Similar to the health insurance that all nine bargaining unit members and exempt employees enjoy as a result of collective bargaining. My old "nine equals one philosophy," if you recall that, as I was sitting on the EMHP.

MR. TEMPERA:

I do recall that, yes.

CHAIRMAN O'LEARY:

Yes. Any other questions from the committee regarding the AME? Thank you very much. I appreciate you coming by. I'll see you Tuesday. And you can probably expect the same questions from other Legislators.

MS. FELICE:

We'll be there.

CHAIRMAN O'LEARY:

Okay. Is there anyone else who wishes for come before the committee before I go for to the agenda? Seeing no one, let's go to the agenda. Moving right along. It's my understanding there's a rep from the County Attorney's Office here, there's a request to go into Executive Session after we finish the agenda?

MS. BIZZARRO:

Yes.

CHAIRMAN O'LEARY:

Members of the a committee, there's a request for Executive Session after the agenda. The

answer is no to that, no, I'm only kidding. Okay. Tabled resolutions.

2085•04, adopting Local Law No •• 2204, a Charter Law to transfer print shop from County Department of Human resources, Civil Service and Personnel to County Department of Public Works (COUNTY EXEC)

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Losquadro, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2085 is continued in **tabled** status. **(VOTE:5•0•0•0).**

I make note of the fact that the Six Month Rule will take effect •• no I'm sorry, 8/15/05. Resolution **1004, amending the 2005 Operating Budget to centralize building security within the Suffolk County Department of Public Works in conformity with the new Title Examiner Police at the County Clerk's Office (COUNTY EXEC).** Laid on the table January 25th, six months, July 25th, Six Month Rule will take effect July 25th. Is there a motion.

LEG. MYSTAL:

Motion to table.

LEG. KENNEDY:

Motion to table.

CHAIRMAN O'LEARY:

There's a motion to table by Legislator Kennedy, seconded by myself.

On the question of the motion? Hearing nun, all in favor? Opposed? Abstentions? 1004 is **TABLED (VOTE:5•0•0•0).**

1104, requiring annual reporting of contract agency finances (CARACCILO). The

sponsor •• this has been amended, correct, Counsel? It has been amended to the threshold from 25,000 to 100,000, that's correct.

MS. KNAPP:

A hundred thousand.

CHAIRMAN O'LEARY:

I'm sorry. Twenty five thousand to hundred thousand.

MS. KNAPP:

Hundred thousand.

CHAIRMAN O'LEARY:

Yes. What did I say? The other way?

LEG. LOSQUADRO:

No.

CHAIRMAN O'LEARY:

No. I make a motion to approve 1104, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1104 is **APPROVED (VOTE:5•0•0•0)**.

1108, adopting Local Law No •• 2005, a Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute (CARACCIOLO). I have a request of the sponsor to continuing the tabling. Motion by myself, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **TABLED (VOTE:5•0•0•0)**.

1184, adopting Local Law No •• 2005, a Charter Law creating Article XLII County Department of Environment and Energy (COUNTY EXEC). Is there a motion?

LEG. MYSTAL:

Motion to approve.

CHAIRMAN O'LEARY:

Is there a second? Second on the motion to approve?

LEG. MYSTAL:

Montano?

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

We have a second on the motion to approve. On the motion to approve, All those in favor?

LEG. MYSTAL:

Approved.

CHAIRMAN O'LEARY:

Opposed? I'm opposed.

LEG. LOSQUADRO:

Opposed.

LEG. KENNEDY:

Opposed.

CHAIRMAN O'LEARY:

Motion to approve fails. 1184 fails.

LEG. MYSTAL:

Motion to table, then.

CHAIRMAN O'LEARY:

We already called the vote.

LEG. MYSTAL:

She didn't call the vote.

CHAIRMAN O'LEARY:

Who didn't call the vote? Did you call the vote, Madam Clerk? All right. You didn't call the vote. I'll entertain a motion to table. Motion to table by Legislator Montano, seconded by Legislator Mystal. On the question of the motion to table, all those in favor? Opposed? Opposed. Three opposed. Motion to table **FAILS (VOTE:2•3•0•0) (Opposed; Legis. O'Leary, Losquadro, and Kennedy)**. You should have known better guys.

1283, a Local Law No •• 2005, amending Article II of the Suffolk County Administrative Code to provide for a two year term for the Presiding Officer (ALDEN). I have a request by the sponsor to table this resolution. Motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1283 is **TABLED (VOTE:5•0•0•0)**

1349, directing the Director of Real Estate to locate property to re•establish police department field in Huntington Village (BINDER).

LEG. MONTANO:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Mystal. On the question of the motion to table? All those in favor? Opposed? Abstentions? Eleven •• I'm sorry, 1349 is **TABLED (VOTE:5•0•0•0)**.

1351, a Local Law No •• 2005, a Charter Law establishing a reform policy to prevent

the use of bulk mailings by any elected officials (COUNTY EXEC). Is there a motion?

LEG. MONTANO:

Table.

LEG. MYSTAL:

Table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, seconded by Legislator Mystal. On the question of the motion to table? Hearing none, all those in favor? Opposed. I'm opposed.

LEG. LOSQUADRO:

Opposed.

LEG. KENNEDY:

Opposed.

CHAIRMAN O'LEARY:

Motion to table fails. Do you want to make a motion to approve, Elie?

LEG. MYSTAL:

Motion to approve.

CHAIRMAN O'LEARY:

1351 FAILS. (VOTE:2•3•0•0) (Opposed; Legis. O'Leary, Losquadro, and Kennedy

1357, to protect Suffolk County Employees from identity theft (ALDEN). Take note of the fact that there were speakers on this particular item, 1357. I urge the sponsor or those who spoke on this to speak on with the sponsor for the purpose of addressing the very same issues that were discussed here in committee. I'll make a motion to table 1357, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all in favor? Opposed? Abstentions? 1357 is **TABLED** (VOTE:5•0•0•0).

1569, establishing County policy regarding use and occupancy of County owned properties under litigation (CARACCIOLO). Motion to approve by myself, seconded by Legislator Kennedy. On the question on the motion?

MS. BIZZARRO:

Excuse me, Chairman O'Leary, I'd like to speak on this.

CHAIRMAN O'LEARY:

Why?

MS. BIZZARRO:

Because. The County ••

CHAIRMAN O'LEARY:

Good reason.

MS. BIZZARRO:

This is my reason. The County Attorney, Christine Malafi, has spoken with the sponsor, and this resolution was going to be amended. I have not seen an amended copy come in yet, so I don't believe it has been done. So I just ask that the resolution be tabled one more cycle.

CHAIRMAN O'LEARY:

We have no indication that there's been any amendment. Counsel, has there been any amendment to this resolution by the sponsor?

MS. KNAPP:

I believe the sponsor has asked for a new resolution. I don't know if he wanted to amend this existing one or not.

CHAIRMAN O'LEARY:

Yeah.

MS. KNAPP:

He has spoken directly, I do know that, with the County Attorney.

MS. BIZZARRO:

And the County Attorney was in the process of getting the section block and lot number and some other information that he needed. I don't know if that information has been exchanged, but I know there has been a dialogue.

CHAIRMAN O'LEARY:

My conversation with the sponsor was as recent as Monday, and he had requested that this be moved out to the full body. So has it changed since Monday? You don't know that?

MS. BIZZARRO:

I don't know that, I just know that the County Attorney indicated to me to see if I can get this tabled so that •• because she's waiting for either an amended resolution ••

CHAIRMAN O'LEARY:

Well, there's been a request by the sponsor to bring to the full body. If there is the issue Tuesday, bring it up then, okay? Motion to approve 569, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed?

LEG. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN O'LEARY:

Three in favor, two opposed. 1569 is **APPROVED. (VOTE:3•2•0•0) (Opposed; legis. Mystal and Montano).**

1608, appropriating funds in connection with a study for the development of County owned land in Yaphank (COUNTY EXEC). As I said before to the speakers that came before us, this was a question of the funding source. As someone who has special interest in the particular initiative, not only this particular resolution, but the task force form for the purpose of study and analyzing the development of the Suffolk County properties in Yaphank, I am now satisfied that funding sources are correct and appropriate. I would ask the committee approve

this resolution. Motion by myself to approve, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1608 is **approved**. (VOTE:5•0•0•0).

1613, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Huntington, pursuant to th Section 40•D of the Suffolk County Tax Act (COUNTY EXEC). Ms. Zielenski.

MS. ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

We're getting into the Real Estate portion. We're going to rat•a•tat•tat this, I think. All right. Just to the County Attorney representative here, I just want to point out that we just contacted the sponsor of 1569, and he has indicated to us he has never asked for an amendment to this particular resolution.

MS. BIZZARRO:

Actually, I have an e•mail.

CHAIRMAN O'LEARY:

His office has indicated that.

MS. BIZZARRO:

I have an e•mail from Christine Malafi sent over to Mea Knapp stating that Ms. Malafi spoke to Legislator Caracciolo on the IR, and he asked me to ask you to amend the IR to reflect that the County just •• you know, certain provisions. She was going to be getting him some information. So I have something that indicates quite otherwise.

CHAIRMAN O'LEARY:

My information is that the Legislator will be introducing a separate and distinct resolution regarding this matter.

MS. BIZZARRO:

Then he would thus be withdrawing this?

CHAIRMAN O'LEARY:

I guess. It's up to him.

MS. BIZZARRO:

My notes do indicate that he was also thinking about possibly withdrawing it and putting forth a new one.

CHAIRMAN O'LEARY:

Well, I'm going to stand by my latest conversation with him and his office, that he wants to see this out. So this will be out of committee and before the full body on Tuesday. Do you have anything else for our attention before we get to the Real Estate, or are we ••

MS. BIZZARRO:

I have one further on a real estate matter 1651, but I didn't want you to take it out of order for any reason.

CHAIRMAN O'LEARY:

We won't. Okay. Moving to the agenda. 1613, this has been previously tabled. What was the reasoning for previous tabling, I'm sorry, I don't recall?

MS. ZIELENSKI:

I have a note here from the County Attorney's Office saying that the Law Department is in the midst of redoing the file, and if necessary, table the resolution until the review and the opinion is completed. And I haven't heard any update on that to think that it was done. The resolution was inadvertently prematurely laid on the table.

CHAIRMAN O'LEARY:

And that's currently the same status?

MS. ZIELENSKI:

I haven't heard anything to contradict that status.

CHAIRMAN O'LEARY:

Okay. Motion to table by myself, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1613 is **tabled**. **(VOTE:5•0•0•0)**.

1634, requesting legislative approval of a contract award for brokerage services for the procurement of HMO reinsurance for the Department of Health Services, Suffolk Health Plan (COUNTY EXEC). I have a request from a Legislator to table this. He is looking into the possibility of floating additional RFPs with respect to this matter. Motion to table by myself, seconded by Legislator Mystal. On the question of the motion to table 1634? Hearing none, all those in favor? Opposed? Abstention? 1634 is **tabled**. **(VOTE:5•0•0•0)**.

1639, authorizing certain technical corrections to Resolution No. 429•2005 (SCHNEIDERMAN). Jim, the technical correction or Counsel? It's just a ••

MS. KNAPP:

It's a capital project point number that was corrected from 8240.311 to 8240.316.

CHAIRMAN O'LEARY:

Okay. Motion by myself, seconded by Legislator Kennedy to approve and place on the Consent Calender 1639. Any questions on the motion? Hearing none, all in favor? Opposed? Abstentions? 1639 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1651, authorizing the sale of County owned real estate pursuant to Section 215, New York Stat6e County Law to Thomas and Marie Doroski (COUNTY EXEC). I have a request on the part of the sponsor that there's a question of legality with respect to this particular resolution, so I'll entertain a motion to table, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1671 is **tabled**. **(VOTE:5•0•0•0)**.

1660, Sale of County owned real estate pursuant to Local Law 13•1976 Grantley and Eugenia Waldron, his wife (COUNTY EXEC).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN O'LEARY:

This is •• this is as of right.

MS. ZIELENSKI:

This is a sale, direct sale.

CHAIRMAN O'LEARY:

Direct sale. Motion to approve by Legislator Mystal, seconded by myself and to place on the Consent Calender. On the question of the motion on 1660? Hearing none, all those in favor? Opposed? Abstentions? 1660 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1661, sale of County owned real estate pursuant to Local Law 13•1976 Louis E. Cirillo and Gloriamarie Santagato Cirillo (COUNTY EXEC). Direct sale?

MS. ZIELENSKI:

This is direct sale.

CHAIRMAN O'LEARY:

Same motion, same second to place on the Consent Calender. On the question on the motion? Hearing none, all in favor? Opposed? Abstentions? 1661 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1662, sale of County owned real estate pursuant to Local Law 13•1976 Avanlonbay Communities, Inc. (COUNTY EXEC). This is direct sale as well?

MS. ZIELENSKI:

Direct sale.

CHAIRMAN O'LEARY:

Same motion, same second to place on the Consent Calender. On the question on the motion? Hearing none, all in favor? Opposed? Abstentions? 1662 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1663, sale of County owned real estate pursuant to Local Law 13 • 1976 Avalon Bay Communities, Inc. (COUNTY EXEC). Same motion, same second, place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1663 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5 • 0 • 0 • 0).**

1664, sale of County owned real estate pursuant to Local Law 13 • 1976 Avalon Bay Communities, Inc. (COUNTY EXEC).

LEG. MONTANO:

Question.

CHAIRMAN O'LEARY:

There's a question on the motion to approve and place on the Consent Calender. Legislator Montano.

LEG. MONTANO:

Just clarify for me, these are all the same company, these are adjoining parcels of land that we're selling?

MS. ZIELENSKI:

These are surplus properties that were part of County Road 83, and there are a series of irregular small parcels that run along County Road 83, Avalon Bay Communities is a development that's been built there, and they're buying all of these parcels that the Department of Public Works as declared surplus.

LEG. MONTANO:

Do you know for what purpose? Is this for development?

MS. ZIELENSKI:

The development has been done. It just •• it just squares up their boundary line to the roadbed.

LEG. MYSTAL:

They're not building.

LEG. MONTANO:

Do you know what the ultimate use of the property is going to be? It's going to remain •• I guess it's vacant property.

MS. ZIELENSKI:

These little pieces are vacant property, but the larger ••

LEG. MONTANO:

Once you put them to the whole, what happens once you put all these little properties together and get a whole parcel?

MS. ZIELENSKI:

It isn't a whole parcel, it's a string of parcels that run along the road ••

LEG. MYSTAL:

They're not buildable.

MS. ZIELENSKI:

•• and none of them are individually buildable. The community has been constructed. These are adjunct to an existing community at this time. They're not looking for increase the density or anything of the construction.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN O'LEARY:

Legislator •• I'm sorry. Legislator Montano, are you finished?

LEG. MONTANO:

Yeah.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Just one follow-up question to Legislator Montano's question. When we sell, when we convey back under this type of an arrangement, is the purchaser prohibited then going ahead and trying to go ahead and amend lot lines or seek the ability to go ahead and achieve joinder for a greater parcel?

MS. ZIELENSKI:

I can answer that quickly.

LEG. KENNEDY:

To say it in a different way, in other words, if it's a gore strip, does it have to stay a gore strip?

MS. ZIELENSKI:

These were the equivalent of gore strips of unusable pieces. I think if you look ••

LEG. KENNEDY:

I'm just curious. In other words, do we put any kind of restriction or covenant when we go ahead and convey back that prohibits purchaser from then seeking the ability to go ahead and aggregate?

MS. ZIELENSKI:

As a general rule, we sometimes do put covenants that prevent that, but in these cases, I can't answer you without rereading all of these resolutions.

CHAIRMAN O'LEARY:

Legislator Losquadro, then Legislator Montano.

LEG. LOSQUADRO:

I think I can shed some light on this. It's Avalonbay Communities, but this is the community known as Avalon pines; is that correct?

MS. ZIELENSKI:

I think so.

LEG. LOSQUADRO:

The community has already approved and is being constructed. And I think that this would just serve as a further buffer along County Road 83 so they can assure that nothing was put there and given the opportunity to other acquire surplus land here to provide a further buffer to the community. I don't see that the town would grant them any change at this point, because it was an overall, you know, master plan to the subdivision to construct the property along with the golf course and a number of other give•backs that were •• that were negotiated in the process. So I don't •• I don't see any other intent other than to acquire this surplus property for additional buffer space.

MS. ZIELENSKI:

That's correct. And if you look at the backup material, you can see they're very irregular little triangles and funny shapes. It's when the •• when the DPW takes a roadbed, they take often ownerships, and then when they actually construct the road, they have little pieces that are left over from whole ownerships, and essentially, that's what these are. They've been declared surplus to the road, they're in excess of what the shoulders and the edges of the road are.

LEG. MONTANO:

Just from my own information, assuming this company weren't willing to purchase it, what would happen with that surplus?

MS. ZIELENSKI:

They would just sit there.

LEG. MONTANO:

Stay there, right? And one last question, these appraisals are based on the irregular•shaped lot?

MS. ZIELENSKI:

Yes and their utility.

LEG. MONTANO:

And I guess the point I'm •• the question I have is once you start putting these lots together, and you have the whole, would that change the •• wouldn't that change the value if you had some use for it?

MS. ZIELENSKI:

No, because if you look at the maps, they are not contiguous at all. You can't put them together. They're individual little tiny pieces that run a mile and a half down the road. You can't put them together.

LEG. MONTANO:

Right. But Avalonbay owns the pieces in between, am I accurate in that?

MS. ZIELENSKI:

Yes, that's true.

LEG. MONTANO:

So even though by themselves they're isolated, the fact is once you purchase them, they're all put together and it becomes one whole lot. And the question I'm asking is what are the potential uses once you put all those little puzzles together and now you don't have irregular lots, you have one huge piece of land?

MS. ZIELENSKI:

There aren't any huge pieces, they are all little tiny pieces.

CHAIRMAN O'LEARY:

There's been an adopted site plan for this Avalon Pines Community, and it's basically strip parcels that are adding to the existing buffer in the adopted site plan, is that the explanation?

MS. ZIELENSKI:

That's correct.

CHAIRMAN O'LEARY:

Okay. Can we get back to ••

LEG. MONTANO:

Yes.

CHAIRMAN O'LEARY:

All right. Thank you very much. We had a question on 1664. The motion to approve ••

MS. SULLIVAN:

There wasn't one.

CHAIRMAN O'LEARY:

Who made the previous motion? It's the same motion, same second and place on the Consent Calender 1664. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1664 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1665, sale of County owned real estate pursuant to Local Law 13•1976 Avanlonbay Communities, Inc. (COUNTY EXEC). Same motion, same second place on the Consent Calender. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1665 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1666, sale of County owned real estate pursuant to Local Law 13•1976 Avanlonbay Communities, Inc. (COUNTY EXEC). Same motion, same second, place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1666 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0•0)**.

1667, sale of County owned real estate pursuant to Local Law 13•1976 Avanlonbay Communities, Inc. (COUNTY EXEC). Same motion, same second, place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1667 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0•0)**.

1668, sale of County owned real estate pursuant to Local Law 13•1976 Avanlonbay

Communities, Inc. (COUNTY EXEC). On the question of the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1668 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0).**

1669, sale of County owned real estate pursuant to Local Law 13•1976 Avanlonbay Communities, Inc. (COUNTY EXEC). Same motion, same second, place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1669 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0•0).**

1670, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Bernd Wittich and Hillary Wittich, his wife (COUNTY EXEC).

MS. ZIELENSKI:

This is an as of right redemption.

CHAIRMAN O'LEARY:

As of right redemption. Motion by myself to approve, seconded by Legislator Montano. On the question of the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1670 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0).**

1671, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Deborah Cuillo (COUNTY EXEC). Same motion •• as of right? Same motion, same second, place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1671 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0).**

1672, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Josephine Messina (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN O'LEARY:

As of right. Same motion, same second, place on the Consent Calender. On the question of the motion to approve and place on the Consent Calender? Hearing none •• or approve for that matter. All in favor? Opposed? Abstentions? 1672 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1673, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Ronald J. Beyer, administrator of the estate of Patricia Jewel Beyer a/k/a Patricia Beyer (COUNTY EXEC). As of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Same motion, same second, place on the Consent Calender to approve. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1673 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1674, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Sybren Homes Inc. (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN O'LEARY:

As of right redemption. Same motion, same second, place on the Consent Calender. On the question of the motion? All those in favor? Opposed? Abstentions? 1674 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1675, authorizing the sale pursuant to Local Law 16•1976 of the real property

acquired under Section 46 of the Suffolk County Tax Act Jose A. Veintimilla and Grace Cruz, his wife (COUNTY EXEC). Same motion, same second, place on the Consent Calender. On the question of the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1675 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0).**

1676, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Jose A. Veintimilla and Grace Cruz, his wife (COUNTY EXEC). Motion to approve place on the Consent Calender. Same motion, same second. On the question on the motion to approve and place on the Consent Calender. Hearing none, all those in favor? Opposed? 1676 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0).**

1677, authorizing the sale pursuant to Local Law 16•1976 of the real property acquired under Section 46 of the Suffolk County Tax Act Lynne M. Alverson as executrix of the estate of Marjory J. Alverson, surviving tenant by the entirety (COUNTY EXEC). Same motion, same second to place on the •• approve and place on the Consent Calender. On the question on the motion? Hearing none, all those in favor? Opposed? Abstentions? 1677 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0).**

1678, sale of County owned real estate pursuant to Local Law 13•1976 Jericho LLC (COUNTY EXEC).

MS. ZIELENSKI:

This is a direct sale with an appraisal of \$1800 and final bid of \$1900.

CHAIRMAN O'LEARY:

Over a hundred dollar profit.

MS. ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Very good. Getting there. There's a motion by myself, seconded by Legislator Mystal to

approve 1678 and place on the Consent Calender. On the question on the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1678 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1679, sale of County owned real estate pursuant to Local Law 13•1976 Kenneth J. Arceri and Virginia M. Arceri, his wife (COUNTY EXEC).

MS. ZIELENSKI:

This, again, is a direct sale, adjacent owner with an appraisal of \$1200 and a bid of \$1200.

CHAIRMAN O'LEARY:

On 1679, motion to approve and place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1679 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1680, sale of County owned real estate pursuant to Local Law 13•1976 Pedro Reyes and Sandra Reyes, his wife (COUNTY EXEC). Direct sale?

MS. ZIELENSKI:

Direct sale.

CHAIRMAN O'LEARY:

Same motion, same second to approve and place on the Consent Calender. On the question of the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1680 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

1681, sale of County owned real estate pursuant to Local Law 13•1976 Joshephine and Arthur Vaughn, Jr. (COUNTY EXEC). Direct sale?

MS. ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Same motion, same second to approve and place on the Consent Calender. On the question on the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1681 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

CHAIRMAN O'LEARY:

1712. Thank you very much, Pat, there's nothing else.

1712, accepting and appropriating additional funds for 100% state funded grant for a Summer Youth Employment Program (COUNTY EXEC). Motion by myself to approve, seconded by Legislator Kennedy. On the question of the motion to approve 1712. Hearing none, all those in favor? Opposed? Abstentions? 1712 is approved.

CHAIRMAN O'LEARY:

Sense 37, Sense of the Legislature resolution requesting State of New York to repeal the requirement that two years lapse from the filing of a subdivision map before the map can be abandoned (TONNA). This was a previously tabled sense resolution. Motion to table by Legislator Kennedy, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

CHAIRMAN O'LEARY:

One abstention on Sense 37, Legislator Montano. **TABLED (VOTE:4•0•1•0)**.

I'll briefly recess for the purposes of going into Executive Session with the County Attorney. Members of the committee report to the side.

CHAIRMAN O'LEARY:

Motion on 1712 to approve and place on the Consent Calender, revise the motion. 1712 is approved. On the question of 1712 on the Consent Calender. Hearing none, all those in favor? Opposed? 1712 is **APPROVED and placed on the CONSENT CALENDER (VOTE:5•0•0•0)**.

(* AN EXECUTIVE SESSION WAS HELD FROM 11:21 A.M. UNTIL 11:47 A.M.*)

LEG. KENNEDY:

This is the Ways and Means Committee. Motion to adjourn, seconded. All those in favor?
Opposed? Committee stands adjourned.

(* THE MEETING WAS ADJOURNED AT 11:48 A.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**